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Patent Yonat et al. 0-03-148

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Yonat et al.
Serial no.: 10/612,528
Filed: July 2, 2003
Title: IMPROVED IRRIGATION PIPELINES
Examiner: Tara Mayo
Art Unit: 3671

Response and Amendment

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This response is in reply to the office action mailed on March 30, 2004.

On July 30, 2004, this attorney executed a response with a petition, a check for \$55.00, and a certified copy of the corresponding Israeli patent application, and placed those documents in an envelope marked for the USPTO. This attorney has a new secretary. For some unknown reason, the new secretary inadvertently placed the originals in the letter that was prepared for the Israeli client. We do not know what was sent to the USPTO. In any case, we are re-submitting these documents on August 12, 2004. We apologize for any inconvenience and/or confusion. Please be advised that this problem has been addressed and precautions have been made to correct this problem.

In the office action, the examiner rejected claims 1-16 as being unpatentable for at least three reasons. The first reason was that claims 1, 2, 4, 8 and 12 were deemed as being anticipated by Allard; the second reason was that claims 13-15 are "inherent to the construction of the device shown by Allard"; and the third reason was that claims 3, 5-7 and 9-11 are deemed to be obvious in view of Allard. Applicant respectfully traverses these reasons.

In addition, to the cited reference rejections, the examiner also rejected claims 15 and 16 as being indefinite and requested for a certified copy of the 150,547 application to perfect the claim for priority. The indefiniteness issues are addressed by amendment and it is believed that the amendments overcome any such indefiniteness. As for the certified copy, applicant will provide another copy of that document.

The present application relates to improved drip pipelines that comprised of pipes having bores created therein for dispensing water to the soil, and a layer pervious to water applied to the pipe to screen the bores.

Allard Reference

Allard discloses erosion rolls that are designed to remove water from the ground to avoid further erosion. The erosion control rolls have a perforated tube (2), outlet conduits (12), a filter

material (4), and a porous covering material (14). The perforated tube is insulated by the filter material and possibly the covering material. The filter material and the covering material allow water to reach the perforated tube. The perforated tube is connected to the conduit, which directs the water away from the soil to a ditch or sewer line.

Allard does not teach of a pipe that dispenses water to the soil (claim 1 of the present application). To the contrary, Allard discloses a method of removing water from the soil, in order to prevent erosion. Additionally, the porous covering material of the Allard reference surrounds the filter material, not the perforated tube, i.e., the bored pipe of the present application (claim 1). In fact, the porous covering material is only an optional component of the erosion control rolls as taught by Allard, whereas it is an essential part of the present invention. Moreover, the porous covering material is fit snugly around the outer filter member, which itself fits snugly around the tube disclosed by Allard. This is in contrast to the sleeve of the present invention, wherein a gap between the sleeve and pipe is formed due to the inner diameter of the sleeve being larger than the outer diameter of the pipe (claim 12).

Regarding the material of the sleeve, Allard discloses a woven cloth or netting to cover the outer filter member. The metal material disclosed in claims 3 and 5 of the present invention is not disclosed by Allard. There is no obvious reason why one would use metal to impart additional strength to the structure disclosed by Allard, as the sleeve already receives its structural strength from the filter member which it surrounds.

Additionally, it is a purpose of the present application to protect drip pipelines against the ingress of any undesired material into the bores through which the drip action is carried out, so as to allow the normal unimpeded flow of liquids. However, Allard discloses a core member (i.e., the pipe) that is at least partially filled with ballast material (i.e., debris or sedimentation) that was not retained by the filter material. Although it would be preferable if none of this material would be able to enter the core member, the construction constraints are not able to completely retain the material outside of the core member. If this were the case in the present invention, the invention would be ineffective.

Furthermore, the perforations in the pipe as disclosed by Allard, (see Figure 2b), are positioned on only a portion of the circumference, as measured from the longitudinal axis, and situated towards the upstream side of the fluid flow path. The fluid (and ballast material) that passes through the filter material is collected and routed out of one or both ends of the pipe. In contrast, the pipe of the present application contains bores, which, in the operative position of the pipe, are at the bottom of the pipe (see figure 5). This structural arrangement is a further demonstration how dissimilar the Allard reference and the present invention really are.

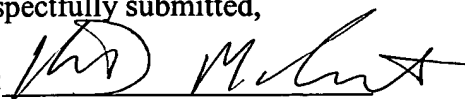
In view of the above, it is respectfully submitted that the present invention is wholly dissimilar, both in terms of construction and function, from the cited references, in particular the Allard reference, and is therefore novel and inventive over the cited references. It is respectfully submitted that these claims are in condition for allowance and such allowance is respectfully requested.

Date:

8/13/04

Respectfully submitted,

By:

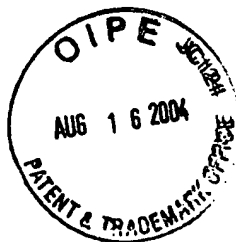


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8/13/04

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A handwritten signature in black ink, appearing to read "Kevin D. McCarthy".